

By: King of Uvalde, et al.

H.B. No. 3707

Substitute the following for H.B. No. 3707:

By: King of Uvalde

C.S.H.B. No. 3707

A BILL TO BE ENTITLED

AN ACT

relating to an inspection program to deter cattle theft;
authorizing an administrative penalty; authorizing an assessment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 6, Agriculture Code, is
amended by adding Chapter 153 to read as follows:

CHAPTER 153. PREVENTION AND INVESTIGATION OF CATTLE THEFT

Sec. 153.001. DEFINITIONS. In this chapter:

(1) "Association" means the Texas and Southwestern
Cattle Raisers Association.

(2) "Program" means the inspection program
established by department rule under Section 153.002.

Sec. 153.002. ESTABLISHMENT OF PROGRAM. (a) The
department by rule shall establish a cattle inspection program to
discourage and investigate property crimes involving cattle in this
state:

(1) on request by the association; and

(2) if a similar program authorized by federal law is
canceled, suspended, repealed, or otherwise scheduled for
discontinuation.

(b) The program must utilize existing cattle industry
infrastructure to the extent possible.

(c) The department shall establish an advisory committee to
advise the department on program rules. At least once every two

1 years, the advisory committee shall review the program rules and
2 submit findings and recommendations to the department.

3 Sec. 153.003. INSPECTIONS. Program rules must authorize
4 the special rangers appointed under Article 2.125, Code of Criminal
5 Procedure, and other association employees designated by the
6 special rangers, to inspect and record brands and other identifying
7 characteristics of cattle at livestock auction markets.

8 Sec. 153.004. ASSESSMENT. (a) Program rules must
9 establish a per-head regulatory assessment in an amount necessary
10 to reimburse the association for direct costs incurred under this
11 chapter.

12 (b) In determining the amount of the assessment, the
13 department shall consider:

14 (1) the amount of similar assessments or charges
15 authorized by the laws of other states or the United States;

16 (2) the direct operating costs of the program; and

17 (3) the expertise required to operate the program.

18 (c) On request by the association, the department shall
19 review the amount of the assessment and consider any necessary
20 revision.

21 (d) Each livestock auction market shall collect the
22 assessment and remit the amount collected to the association.

23 (e) Assessments collected under this section are not state
24 funds and are not required to be deposited in the state treasury.

25 (f) A person who has possession, custody, or control of an
26 assessment collected under this section and not remitted to the
27 association before the 31st day after the date collected is subject

1 to an administrative penalty in an amount provided by department
2 rule.

3 Sec. 153.005. STATE OVERSIGHT. (a) The department must
4 approve the association's budget for the program each year.

5 (b) The department shall review and act on the association's
6 budget for the program each year not later than the 45th day after
7 the date the association submits the budget to the department.

8 (c) The department or the state auditor may inspect the
9 association's financial records related to the program at any time.

10 SECTION 2. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2017.